

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
 LAKE GEORGE, NEW YORK,
 OCTOBER 2, 2005

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 * Docket No.: DCA 06 MM 001
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Interview of: JIM QUIRK

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, DC 20594

Friday,
 October 7, 2005

The above-captioned matter convened, pursuant to
 notice, at 9:10 a.m.

BEFORE: BRIAN CURTIS

APPEARANCES:

BRIAN CURTIS

National Transportation Safety Board

JAMES CASTILLO

U.S. Coast Guard

PETER GIONET

New York State Parks

HUGH QUIRK

Shoreline Cruises

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P R O C E E D I N G S

(9:10 a.m.)

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3 MR. CURTIS: Good morning. It's Friday, October 7th
4 at 10 after 9:00. I'm Brian Curtis, the NTSB Engineering
5 Accident Investigator, and we're going to interview Mr. Jim
6 Quirk, owner of Shoreline Cruises, regarding the Ethan Allen,
7 the vessel involved in the accident on October 2nd. And before
8 we get started, I'd just like to go around the table and
9 identify who's in the room for future transcription purposes.
10 I'm Brian Curtis, the NTSB.

11 MR. CASTILLO: Jim Castillo, Coast Guard.

12 MR. GIONET: Pete Gionet, New York State Parks.

13 MR. H. QUIRK: Hugh Quirk, Shoreline Cruises.

14 MR. J. QUIRK: Jim Quirk, Shoreline.

15 MR. CURTIS: And, Jim, if you don't mind, I'd like to
16 record this, the interview.

17 MR. J. QUIRK: That'd be fine.

18 MR. CURTIS: And you're entitled to representation,
19 should you decide to have it here.

20 MR. J. QUIRK: Okay.

21 INTERVIEW OF JIM QUIRK

22 BY MR. CURTIS:

23 Q. Being the Engineering Group, we like go through and
24 identify areas of concern for us, and as the NTSB, we're
25 conducting a safety investigation regarding the Ethan Allen

1 accident. So we'll get started, if you don't mind. Any time
2 you want to take a break, just let me know and we'll pause.
3 And I'll start the questioning and we'll go around the room.
4 And if you would, each time -- other than Jim, just identify
5 yourself each time you speak so they'll know for transcription
6 purposes who's talking. Jim to start with, just a brief
7 overview of the company history, when you started and the
8 number of boats you have, and just a quick history of the
9 company.

10 A. Shoreline Cruises started in 1979 with the three tour
11 boats, the Ethan Allen, De Champlain, and Algonquin. We've
12 been running those each and every summer from '79 to present,
13 '05.

14 Q. And the -- a little bit about the company hierarchy,
15 who's where and you know, from you on down?

16 A. Basically, I'm the administrative officer, if you
17 wish, and I do all the assignments, the captains, the -- and I
18 oversee the staff that basically works on the vessels.

19 Q. I apologize. The questions will jump around. I'm
20 trying to cover a lot of areas here. But first I want to get
21 into passenger load accountability. How do you account for how
22 many people are on the vessel each load, say, for the Ethan,
23 for the Ethan Allen?

24 A. Each time we go out, you mean?

25 Q. Yes.

1 A. The -- well, what happens is basically two functions.
2 One is the -- we sell tickets, and this year we put in a
3 computerized ticket sales system and we can get a pretty
4 accurate count right there of how many are going out on each,
5 because you can see on the screen how many tickets are sold for
6 that particular cruises, and the captains verify that. Usually
7 it's verified back and forth.

8 Q. Okay. Is that kept in a database so we could look
9 back and -- when was that started, at the beginning of the
10 year?

11 A. The beginning of the year? Well, the new season
12 around May.

13 Q. What about -- now that'd cover the individual. What
14 about charters, how do you account for the numbers?

15 A. Charters are different. The numbers are there.
16 They're pre-done and they're on a charter schedule, and we know
17 how many are coming in for the particular boat.

18 Q. Is that a record kept that we could look back at to
19 see, on a given day, how many were in the charter on the
20 vessel?

21 A. I believe we have records of those, those charters.
22 I don't know how far back we can go in terms of years, but
23 certainly this year I'm sure we could.

24 Q. Okay. During the accident there were 48 people on
25 the vessel. Typically, how often would you have that number of

1 people on the Ethan Allen?

2 A. Okay, this is an estimate. It may be four and I
3 don't --

4 Q. Okay.

5 A. -- know how accurate it really is.

6 Q. That's okay.

7 A. But it's like, I don't know, one out of every 20 or
8 something like that.

9 Q. Okay. What would be, I realize, off the top of you
10 head, an average number per trip, if there is one?

11 A. If there is one, maybe 14, 12.

12 Q. Now --

13 A. It's a little below -- okay, go ahead.

14 Q. No, I'm sorry. Go ahead.

15 A. We'll go out with -- you know, we'll go out with as
16 few as two people.

17 Q. Okay. If we wanted to go back further than this year
18 to try to track passenger loads on the Ethan Allen or the
19 vessels, would that be possible? Is there a mechanism or a
20 record in place for us to do that?

21 A. We don't have any formal mechanism for that. The
22 best I could do would probably to look through -- sort receipts
23 and divide it out, but that wouldn't give you the passengers
24 per, per trip. That would give you the passengers per day,
25 something like that.

1 Q. And this computerized record, that's -- you say
2 that's in that -- that's a record we could get from your
3 database or --

4 A. Yeah. I have not looked at that, the final, but I'm
5 assuming it collects data and stores data daily. We can
6 hopefully go back.

7 Q. Okay.

8 A. We do get -- you know, in the accounting office, they
9 do go through and look at the -- they get the number of cruises
10 off of that.

11 Q. Okay. So say if we went back to last year, do you
12 think there is a practical way to, say, on last August 3rd, the
13 third trip of the day, there were X people on the boat?

14 A. That'd be difficult.

15 Q. Is your company a member of the PVA, the Passenger
16 Vessel Association? Are you familiar with that?

17 A. No. I am familiar with it.

18 Q. You're not a member, though?

19 A. No, we're not.

20 Q. Okay.

21 A. We used to be a member of the New York State Boating
22 Association, I believe, which was a member of the PVA, but we
23 were not directly a member.

24 Q. Okay. I understand the engine was good. This vessel
25 has a -- had an engine change several years ago. Could you

1 tell me a little bit, when, why, and where that was?

2 A. Estimating again, I would say maybe five, six years
3 ago, we, we changed the engine and we put the Cummins B Series
4 in there, engine, and we took out the old Hercules. And the
5 reason why we did it is, basically, we were catching, you know,
6 some grief, even from the inspectors, because we were picking
7 up a lot of oil. There was a lot of leakage from the old
8 engine. It was just tired. You know, it was running okay. It
9 was a good take-out, but it was dropping a lot of oil. We
10 really couldn't tighten it up.

11 Q. Is there some record, maintenance record, that we
12 could get, just to get a time and date and the engine
13 specifications? Would you have maintenance records on that?

14 A. On the new engine or the old engine?

15 Q. On the Cummins.

16 A. The Cummins? I may have some specs on that Cummins.
17 I'll look for it.

18 Q. We'd be interested in the date that the work was
19 done --

20 A. Oh.

21 Q. -- when it was changed out. We'll get together later
22 with you, if you could --

23 A. Okay. My son might be able to help me a little bit
24 more with that, because they did it at his shop.

25 Q. Who was that? Which son?

1 A. Dennis.

2 Q. Dennis, okay. As far as -- we saw on one of the
3 boats yesterday that there was a checklist. And what's the
4 policy for this checklist, a daily checklist of things to check
5 before they go out? What's the policy on that and what's on
6 that list?

7 A. Specifically, I can't give you everything that's on
8 the list. I don't remember. But the policy basically is that
9 the captains, each day go through the checklist, go through.
10 And in addition to that, not just the checklist, but they
11 actually open up the engine hatch, they check the engine, they
12 check the fluid levels, the check the bilges. As you know, in
13 Lake George, we can't bilge overboard with the oil slicks, so
14 we're in the habit of bilging pretty much manually. We have
15 some of our deckhands go down there (indiscernible) go down,
16 and they'll pull the oil, if there's any oil in there, they'll
17 pull it out manually and then they'll bring it and get rid of
18 it. But the captains, if they see anything, they usually let
19 who's ever doing the mechanical work or that work know and they
20 go down and do it. We have a few different people that can do
21 that work for us, that, you know, are employed by us.

22 Q. Your employees?

23 A. Yeah.

24 Q. Do you have -- you mentioned that Dennis had a shop.
25 Do you have a company shop that you use for most of your

1 maintenance?

2 A. Well, not us. Shoreline Cruise doesn't own a shop,
3 but it does use sort of a tradeoff with Dennis. Dennis uses a
4 lot of the Shoreline Cruise stuff, the property, the ramps,
5 things like that. And we essentially do a lot of our repair
6 work in the winter over at his shop.

7 Q. Okay. We'll get more into the maintenance in a
8 little bit here, but we'll jump away. I know we had an engine
9 modification a few years ago, you mentioned, and then the
10 canopy on top --

11 A. Um-hum.

12 Q. -- the structure of the vessel. I understand that
13 was replaced with the current wood structure. When was that
14 done and by who? A little background on the tops.

15 A. I did one a year for about three years. I changed
16 each one around, I mean, from the canvas over the metal top.
17 We took that metal top off, and that was -- that work was done
18 in the Port of Albany by Scarano Brothers, and we brought the
19 boat down there and brought it back. Now, when it was done,
20 I'm starting to get a little handle on that, and that was more
21 or less because another captain said -- well, he started work
22 for me in '93 and that was already there, those canopies were
23 on in '93, so it had to be before '93. Exactly when I don't --
24 again, it was different years, different boats different years.

25 Q. Okay. As far as you know, are those the -- were

1 there any other major modifications made weight-wise and
2 structurally to the vessel over the years, the Ethan Allen?

3 A. No, no major modifications. I'm not sure if there's
4 a weight modification or not. I think, in speaking to John
5 Scarano about it, even as recently as when he did the stability
6 test for you up here, that was the fellow.

7 Q. Right.

8 A. And --

9 Q. John and Bob.

10 A. Yeah. And I asked them about that and I didn't
11 pursue it too much, I was quite busy. But at that point, he
12 indicated, well, he felt that the new top probably would be a
13 much more stable top than the other. He didn't feel it was
14 heavier at all, but he also felt it was a bit more streamlined
15 and in fact, it didn't pick up as much wind resistance as the
16 canvas, with it sloping down and all the water falls on it and
17 all that. So he -- basically, that was his opinion. Usually
18 his opinion is pretty good. So if -- you know, I'm sure he
19 would share that with you as well.

20 Q. And you said that was a steel, steel or aluminum
21 tubing with an awing-type, previous to this one?

22 A. Steel.

23 Q. Moving along to the forward -- the bricks down
24 forward. I don't know, I believe they were lead. Is that
25 right, they were lead bricks?

1 A. Yeah.

2 Q. Okay.

3 A. Yeah.

4 Q. Were they put there to counter some -- one of these
5 modifications to the -- for the engine, or do you know when
6 they were put in or --

7 A. No, they were there when we bought the boat, and I
8 assume -- I assume that was something between the manufacturer
9 or the previous owner and Coast Guard.

10 Q. Okay. Since you've owned it, have you added to or
11 taken away the number of bricks?

12 A. No, I never touch those bricks.

13 Q. Okay, so the same -- in the same space and the same
14 number as --

15 A. As far as I know. I don't believe you'll find those
16 probably after -- in the Ethan Allen at the same place. They
17 may have slid around a little bit.

18 Q. Right.

19 A. Hopefully they didn't lose any of them, but probably
20 not.

21 Q. Yeah, we found, I think -- well, I don't have the
22 number right now.

23 A. Fourteen or fifteen.

24 Q. Right. How many were in the other boat? Just --

25 A. Twenty-two I believe.

1 Q. Twenty-two?

2 A. Yes.

3 Q. Back to the bilges a little bit. You take the oil
4 ashore. What do you when it goes to ashore, is it -- does a
5 vendor come and take it away?

6 A. Yeah, we put it in barrels and they pump it out for
7 us.

8 Q. And who's that? Do you know the name of that vendor
9 who takes your oil away, waste oil?

10 A. I don't know their name. They just come through
11 periodically. In fact, I've got to call them again, I guess,
12 and get them in.

13 Q. Do you have any idea of the frequency how often you
14 have dewater the Ethan Allen's bilges? Do you have to pump it
15 every day or how often you had to take water out of these
16 bilges? I mean, any signs of leaks where you were taking water
17 out consistently?

18 A. No. The only time we really have any water, you
19 know, in the bilges is usually from rain water seepage coming
20 through the hatch or something. You know, if you get a driving
21 rain, it'll come underneath and get into the hatch. But
22 there's no regular routine on it. It's not like we have -- not
23 like we've had any problems with them, actually, with any of
24 those.

25 MR. CURTIS: Okay. I'm sorry. We'll pause just for

1 a moment.

2 (Off the record.)

3 (On the record.)

4 BY MR. CURTIS:

5 Q. We just took a short pause there. We're back for
6 questioning Jim Quirk. We were talking about the bilges. Are
7 there any written or verbal policies of captains' expectations
8 regarding how to handle the water in the bilges, you know, that
9 they shouldn't pump while they're in the lake? Is there any
10 written or verbal policies in place?

11 A. Well, first of all, all these captains have been with
12 me for a number of years. They just have no been, you know,
13 first-year people, and we don't change captains very often. So
14 on that basis, each captain, before they -- I'm just backing up
15 a little to show you what we do.

16 Q. Um-hum.

17 A. Each captain, prior to becoming a captain for us,
18 they'll spend maybe a whole summer working and riding with
19 another captain, just getting the routines down and finding out
20 what they have to do. They, the captains, are instructed to
21 check every day the bilges. Should they have problems, water,
22 ersline (ph.), oil, whatever, to get a hold of the mechanics,
23 or the mechanic who's involved at that day, you know, who's
24 ever on that day, and have them get over there and check it
25 out. And if it checks okay, have it cleaned out and -- you

1 know, as long as we find out and know what the water's from.
2 We do some routine things so we don't have too many problems.
3 We do routine things such as, you know, the water pumps, the
4 (indiscernible).

5 Q. Right.

6 A. Yeah. But your pumps, you know, we change the --

7 MR. CASTILLO: Seals?

8 MR. J. QUIRK: Not only the seals, but also the
9 impellers. Okay, so we do that routinely. I don't know.
10 There's probably, maybe five or six in the Ethan Allen laying
11 around somewhere on the shelves in there. But we take a great
12 deal of care in making sure we do this on a routine basis, and
13 that the captains certainly inform us. The captains don't do
14 the work, but they inform us. The captains do do the checking,
15 though.

16 BY MR. CURTIS:

17 Q. Okay. And this is all conveyed verbally as opposed
18 in a written --

19 A. Yeah, yeah. And we're talking specifically about the
20 Ethan Allen now?

21 Q. Right.

22 A. Yeah, okay. It's a little bit different on the other
23 boats.

24 Q. What's the policy on the other boats?

25 A. Well, mostly all that's written in the log. And

1 then, in the morning, when the mechanics, the mechanical people
2 come in, they read the logs. If they find that there's been a
3 notation of something, water or anything, oil, then they'll go
4 down and check it out, because they get in early in the morning
5 and they do their thing.

6 Q. You say mechanics. There was a Rick and a Jay and
7 Doc. Are they mechanics or are they dockhands or --

8 A. Well, no. Rick is a mechanic. He helps us
9 mechanically. Jay is not. Jay does -- he'll change oils,
10 he'll clean oils, you know, he deals with some of the lesser
11 technical things. And then we have another fellow, a fellow
12 that's going to be working on the Ethan Allen right now that
13 we -- I asked to go over there, is a certified Cummins
14 mechanic. He's certified in Cummins engines.

15 Q. And he's your employee?

16 A. Yes. And then I have one other we're bringing. We
17 just haven't had the time this last month to spend with him and
18 to go through everything, but we're just starting to bring him
19 through the ropes. And he has -- he's retired and he has a lot
20 mechanical experience, and we hope he'll fit in. We lost our
21 one we had for the last two years just before Labor Day.

22 Q. So who's the -- the name of the mechanic who would be
23 the qualified Cummins mechanic that will be working on it
24 today, what's his name?

25 A. Tom Vrooman, V-r-o-o-m-a-n.

1 Q. A little bit -- I guess -- am I correct in assuming
2 that you're the personnel manager, per se, for the company?

3 A. Yeah.

4 Q. You said the captains have been around for a while.
5 So who qualifies them to go from -- what's the process they go
6 from once they want to be a captain to being a captain? How do
7 you qualify them?

8 A. Well, first of all, the boats you're talking about
9 only require the joint pilot/engineer license.

10 Q. Correct.

11 A. Okay. All of our captains now have master's. They
12 indicate to me what they want to do. Now, Dick Paris, for an
13 example, has gone through the chairs all the way where he was
14 captain of the Defiance when it was here. And now, being a bit
15 older, not wanting that responsibility, he wants the smaller
16 vessels. Okay, that's one example. Another example is people
17 coming in and we need some new people, and not only do they
18 train for, say, that -- that full summer, they, first of all,
19 have to get their PB, PB license, and they do that. They take
20 the exam through Parks and Rec, and then they'll spend some
21 time on the tour boats, but that is only after they spent a
22 great deal of time with another captain. And then the
23 personnel from Parks and Rec will come up, give them the exam,
24 and qualify them, but still in our mind, we have conversations,
25 usually, the staff from Parks and Rec, about this person and

1 whether they feel that he's qualified and what he can or can't
2 do. And we'll require him to spend a great deal of time more
3 in that bracket. And then they'll -- from there, should they
4 be good and want it -- and you know, these are summer jobs now.

5 Q. Right.

6 A. And if they still want that position, then they'll
7 take and go after the master apprentice, which now they have to
8 ride with a master for, what is it, 500 hours or something --

9 MR. CASTILLO: That's 60.

10 MR. J. QUIRK: 60.

11 BY MR. CURTIS:

12 Q. That's a state law?

13 A. A state law, yeah.

14 Q. To acquire this joint license?

15 A. To get -- yeah, to get -- no. What joint license are
16 you talking about?

17 Q. (Indiscernible) go ahead. That's fine. I just want
18 to understand. What's the 60 hours to qualify them?

19 A. As a master -- they take a master apprentice first,
20 and then they take their 60 hours, and then they go from that
21 to a master license, which will qualify them to go on either of
22 the other two large boats that we have. Again, I just
23 personally do not allow them to go out there until I (sic) gain
24 experience. And basically, these guys, when I said 500 hours,
25 that's really about what they do under a master before they

1 take the helm, before I'll allow them to take the helm. And I
2 find that this system works well. I think the captains
3 appreciate because they them self feel qualified by the time
4 they get there. And I have a lot of good, responsible men.

5 Q. Once again, that's not a written policy, that's
6 the -- just the policy you formulated over the years, the --

7 A. Right.

8 Q. -- 500 ballpark hours?

9 A. Yeah.

10 Q. And what's the technical term for this master's
11 license, master of?

12 MR. GIONET: Just master.

13 MR. CURTIS: Master.

14 MR. GIONET: Master.

15 MR. CURTIS: And that's a state license?

16 MR. GIONET: Yes.

17 MR. CURTIS: Okay.

18 MR. J. QUIRK: And that qualifies them for -- I guess
19 they usually -- they'll qualify for a Lake George lake?

20 MR. GIONET: No.

21 MR. J. QUIRK: Any boat in New York State?

22 MR. GIONET: This is Peter Gionet, New York State
23 Parks. When a person becomes -- has a master's license, he can
24 operate any vessel over 50 passengers, 65 feet, or 10 tons on
25 sole state waters, meaning you can not get to sea from the lake

1 that you're in.

2 MR. CURTIS: Okay.

3 MR. GIONET: Okay. Our current policy in the office,
4 though, is, if you were to switch companies, say you went from
5 Shoreline Cruises, let's say, to the Canandaigua Lady on
6 Canandaigua, we would have a certain period of time where you
7 work as -- almost similar to an apprentice master, where you'll
8 ride for so many trips, and then we will come out and we will
9 give you a practical exam to see that you're familiar with the
10 waters and also with the vessel itself.

11 MR. J. QUIRK: Um-hum.

12 MR. CURTIS: Okay, great.

13 MR. J. QUIRK: Okay. I guess I omitted that. This
14 is some -- because once they get through their hours on the
15 master apprentice, then Parks and Rec comes up and gives them a
16 practical exam on the ship for their master.

17 BY MR. CURTIS:

18 Q. Okay. Just quickly. On Dick Paris, any personnel
19 issues with him, or a good employee?

20 A. Yeah.

21 Q. Okay. Is there a file kept on your captains, a
22 personnel file or anything, or is that not really a personnel
23 file per se?

24 A. I don't carry any personnel files.

25 Q. Okay. In the past, have you had any captains that

1 you had issues with that you had to let go, or that you recall
2 specifically that were big problems?

3 A. No.

4 Q. Now I want to jump in the whole maintenance area.
5 You mentioned that the captains check -- go through this
6 checklist in the morning. The mechanics don't necessarily,
7 then, go through the boats each day, it's just the checklist
8 that's on the vessel by the master?

9 A. Well, that's not true. The -- the mechanics will go
10 through the boat as well. They go through and check some
11 things quite often, then self double-checking the captains.
12 And --

13 Q. But not necessarily every day.

14 A. Not every day, but they do it randomly to make sure
15 that these things are being done. They watch it quite well.

16 Q. And how many of those mechanics are there?

17 A. Usually I only have one that does that, you know, who
18 particularly does that. And we're -- like I say, we're
19 breaking a new one in now. I will have Rick do some of that
20 work now, because we're in sort of a transition period. And
21 once I get the new one on board and understanding what that
22 person has to do, then we'll have another permanent one, but
23 that's going to take a little time yet. The unfortunate part
24 is, like I say, in September or just before Labor Day, we lost
25 the one we had the previous two years that was doing this.

1 Q. It was his responsibility, basically, to be in the
2 area of the dock and working -- doing some mechanic work around
3 the --

4 A. The boats, yeah.

5 Q. And if, like on the Ethan Allen, you found a leak in
6 one of the exhaust pipes in the wet exhaust, if that were to be
7 fixed, say -- say it needs welding, would you do your own type
8 of work like that? Would that be --

9 A. It depends on how serious -- or maybe we'd replace
10 the whole unit, you know, we do that too.

11 Q. Okay. Is that -- say a type of repair. Say you lost
12 a section of your exhaust pipe and you repair it. Are there
13 maintenance logs kept that, you know, on this boat on this day
14 this mechanic did this work?

15 A. No, we don't have that.

16 Q. There are no written records of the maintenance?

17 A. Not like that, no.

18 Q. Are there any written maintenance records that we
19 could acquire, or do you keep any written maintenance records?

20 A. Not normally, no. We do -- on the Ethan Allen -- on
21 the small boats we don't.

22 Q. Okay.

23 A. The big boats we do.

24 Q. And those -- and I just -- if you can just give me a
25 little information on the bigger boats, what type of

1 maintenance records are kept and how that's handled?

2 A. Well, if you go down into the engine room, you'll
3 find a record book in there, which has, you know, oil changes,
4 when we done this, you know, impeller changes and you know, it
5 just goes through all the routines that they have to go
6 through.

7 Q. And once these are filled out, are these records
8 forwarded up to your office -- kept for future or are they
9 discarded? Is there a record kept?

10 A. A good question. I don't know how much of that
11 record keeping we do.

12 Q. Okay.

13 A. After a period of time, I guess we're like anyone
14 else, things start cluttering and I know we push things out,
15 just like I guess you guys do too.

16 MR. CASTILLO: You can only keep so much.

17 BY MR. CURTIS:

18 Q. I only ask because I just want to -- you know, for
19 formality's sake. So for maintenance procedures, for -- say
20 your mechanic's working on your engine to pull an injector,
21 there's no written procedures for him on how to do that. Does
22 he have the Cummins manuals? What's he go by to make repairs
23 to the engine, say?

24 A. If it is an injector or something like that,
25 basically, over the years, the mechanic that I employed, doing,

1 you know, the more technical things and making sure that the
2 pressure's right and all of that, he did all that himself.

3 Q. On the job training type?

4 A. No, he's a World War II veteran. He wasn't an on-
5 the-job, he's -- he retired a few year ago, too, and he was --
6 and he did all our diesel work then. Now, we haven't done too
7 much of that. We haven't had to. Basically, most all our
8 equipment is fairly new. But should we have to, the Cummins
9 engines we run, the fellow is certified in Cummins. Obviously,
10 it doesn't mean he doesn't know the other engines, and he can
11 get into the other engines. Now, he just came on board this
12 summer and he's -- that's that Tom Vrooman that I mentioned
13 there.

14 Q. He was formally trained in some training courses by
15 Cummins?

16 A. Yeah, yeah.

17 Q. Is that -- did you ever train him or he was trained
18 previous to joining?

19 A. Previous to joining us.

20 Q. Just bear with me for a moment as I read down through
21 here. So as far as a person being a maintenance supervisor,
22 you're the -- they answer to you for the maintenance done? I
23 mean, is there a particular person that oversees the
24 maintenance in the company?

25 A. Just the captains and the -- and the mechanics that

1 work them. Now, over that to making sure, I will call quite
2 often to check on it and check with them to make sure the job
3 got done, whatever job it might be.

4 Q. Just to understand how it works, once again, say a
5 captain recognized an exhaust leak. Would he be required to
6 report that to you, or would he just tell the mechanic that
7 he's got a problem and they would fix it? Do all the repairs
8 necessarily go through you, or can a captain convey them right
9 to the mechanic?

10 A. They can convey them directly to the mechanic, but if
11 it's something they think might be a priority-type thing or a
12 very important issue, certainly they'll tell me as well, and
13 then I will also follow through and make sure that the
14 mechanics get on it and get on it immediately.

15 Q. Do you know if the mechanics, do they keep a written
16 log of the work they do or anything or is it --

17 A. Not to my knowledge.

18 Q. Okay.

19 A. Other than what is done on the larger craft.

20 Q. Now, this Cummins engine, just a little bit on that.
21 What's the history on that, reliable, working well, you know
22 (indiscernible) the Cummins?

23 A. We've had no problems with the Cummins. It's -- I
24 don't think. We never touch the injectors or anything else.
25 But we try to do all the maintenance work. When we put it away

1 every year, we -- we put in, usually, the fuel conditioners in
2 there and so forth.

3 Q. A little bit about that, the winter maintenance of
4 the vessels, where do you take them? Do you maintenance --
5 what -- just generally, what do you do for maintenance on them?

6 A. Okay. Most of the time the storage -- they're stored
7 right there in our parking lot, you know, at the Shoreline
8 Restaurant. We put them up and we put a top over them, we
9 shrink-wrap them and we leave them there. Should they need
10 maintenance, we'll take them over to the repair shop and we'll
11 shrink-wrap it there. And then sometime during the winter,
12 we'll pull it into the shop and work on them.

13 Q. Any large, outstanding maintenance issues you have on
14 the Ethan Allen?

15 A. No. I can't tell you folks how -- just how good a
16 particular boat those are. They're very efficient. They've
17 been very good. I was extremely disappointed on the static
18 test, really disappointed. I hope the dynamics is better, but
19 I don't know.

20 MR. CURTIS: Okay. I have more questions, but just
21 to keep everybody else in the loop here, I'm going to pass it
22 along to Jimmy. So go ahead.

23 BY MR. CASTILLO:

24 Q. On the day that the incident happened, there was
25 mentioned that there was two buses that came down into your

1 lot.

2 A. Um-hum.

3 Q. And the people on the bus were in a hurry to go out.
4 And so they had to -- the question is, did all the passengers
5 on both buses get on one boat or did they go on two separate
6 boats? And if they did --

7 A. Well, that's getting a little bit off the
8 engineering.

9 Q. I know, I know. But -- okay.

10 A. And I thought that we're going to stay on
11 engineering. Now, I did answer those questions, well, as best
12 I could. To my knowledge, I think it was a mapping of one bus
13 to one boat, one bus to one boat. The -- because, I guess, one
14 bus came in early and they were scheduled for 3:00. And the
15 one that went on the Ethan Allen came in early and went out
16 early, earlier than scheduled.

17 Q. Okay. You also said that the captain is to check the
18 boat out thoroughly --

19 A. Um-hum.

20 Q. -- each day --

21 A. Um-hum.

22 Q. -- and if the boat was captained by two separate
23 captains, will they have to individually check it when they
24 took over the boat or --

25 A. Oh, well --

1 Q. -- the first captain would accomplish that?

2 A. Oh, you mean the Ethan Allen?

3 Q. Yes.

4 A. Because of the fact that it went out twice that day?

5 Q. Well, two captains took it out that day.

6 A. Well, at two different times you mean?

7 Q. Yes.

8 A. Okay. The first captain that took it out for an hour
9 cruise, I believe it was Hugh.

10 Q. Yeah.

11 A. And he did a checkout on it. And after that the next
12 captain was Dick Paris --

13 Q. Um-hum.

14 A. -- and he did a checkout on it.

15 Q. Okay.

16 A. So I guess the answer is yes, they both did a
17 checkout.

18 Q. But is that your -- is that their --

19 A. Mode of operation?

20 Q. Yes.

21 A. Yes. Basically, I would say that would be their mode
22 of operation because, you know, I think that double-checks are
23 a heck of a lot better than taking a chance that no one checked
24 it. And so to the best of my understanding, no, I didn't see
25 Hugh check and I didn't see Dick check it, but this is the way

1 we operate.

2 Q. All right. I only have a few questions. So the
3 original engine, the Hercules, was replaced, you said, sometime
4 around in the early to mid '90s?

5 A. Probably, yeah. I might've been -- that was 10 years
6 ago. I didn't think it was quite that old, maybe.

7 Q. And when they did the change-out, did they determine
8 what the weight differences were between the two engines?

9 A. I don't believe so.

10 Q. No?

11 A. No.

12 Q. Okay. And then, again, in the same time frame I
13 guess, you went from the steel and canvas --

14 A. Canvas.

15 Q. -- top into the solid wood. Yeah. When they did the
16 change-out, did they determine what the weight differences
17 were?

18 A. I don't know. You'd have to check with Scarano on
19 that. That was one of the things I was asking about, and I
20 didn't get a reply to say they exactly knew that difference,
21 other than they thought -- what they thought -- John's thought
22 was basically that the structure that they had put on, it was
23 basically a more stable, a better structure than what was there
24 previously. And that he felt he didn't change what -- the wood
25 weight would not change the weight, the ratio, so it would

1 change the center of gravity.

2 Q. Okay.

3 A. And also, for wind he felt -- for windage (ph.), too.
4 It's a little bit more streamlined than the canvas.

5 MR. CASTILLO: I don't have any more.

6 MR. GIONET: Peter Gionet, New York State Parks.
7 I've just got two questions, Jim.

8 MR. J. QUIRK: Sure.

9 BY MR. GIONET:

10 Q. As you know, we do come down to take a look at your
11 boats --

12 A. Um-hum.

13 Q. -- and one concern we always do have is the bilge
14 pump.

15 A. Right.

16 Q. And you know -- we never turn it on for very long, we
17 just, you know, do, you know, a little bit of suction. Does
18 anybody ever use that bilge pump at any other time to test it,
19 to see if is -- you know, there is current going to it or
20 anything such as that?

21 A. A good question, mainly because I'm not sure --

22 Q. Okay.

23 A. -- if they go through the bilge pump --

24 Q. All right.

25 A. -- because we manually bilge everything. That's the

1 problem with those boats.

2 Q. All right.

3 A. I mean, not the problem with the boats, but just our
4 situation on the lake.

5 Q. Um-hum. No, I understand. Okay. The gas tank, is
6 that the original gas tank or did you switch that out?

7 A. We rebuilt --

8 Q. Rebuilt.

9 A. -- one or two tanks, and I'm not sure if Ethan Allen
10 was one of the rebuilt.

11 Q. Okay.

12 A. And we had that done. And we had, I think, some
13 seepage --

14 Q. Okay.

15 A. -- of diesel fuel at one point and we -- so we had to
16 rebuild the tank.

17 Q. Did you dry store it or did you have somebody else do
18 it?

19 A. We did that in-house.

20 Q. Okay, okay. And let's see. The third question I
21 have -- you know, you do see us every year --

22 A. Right.

23 Q. -- correct?

24 A. Absolutely.

25 Q. Okay. And we do give you a sheet with, you know,

1 things to be --

2 A. Um-hum.

3 Q. -- done. Is it fair to say that by the time I leave,
4 most of things are corrected except for probably oil leaks that
5 we may have found on your engine?

6 A. I'd say that'd be a fair statement.

7 Q. Sure.

8 A. Yeah.

9 Q. Okay. Any reason why, on the Ethan Allen, you went
10 to Cummins, but on the other two boats, you went to a much
11 smaller engine? Is it just that the Cummins was available at
12 that time or --

13 A. Yeah, and I didn't know anything about those Isuzus
14 at that time, either.

15 Q. Okay.

16 A. And I had some history with Cummins, because that's
17 the same engine I have in the Horicon, the Cummins B Series.

18 Q. Was that a new engine or was that rebuilt?

19 A. That was a used engine.

20 Q. It's a used engine. Do you know where it came from?
21 What type of service it was in? Was it in a boat, was it in
22 a --

23 A. It was a take-out and it was in a boat. And I did
24 not go to the place to pick it up. I don't know. Again, maybe
25 my son did, but --

1 Q. Um-hum.

2 A. -- it's something we -- you know, we bought it out of
3 Boats and Harbors.

4 Q. Um-hum.

5 A. And found the location and found the engine.

6 Q. Um-hum.

7 A. And just went and picked it up and you know, they
8 guaranteed us the engine, that it would be running. So I guess
9 that's all they can guarantee, really.

10 MR. GIONET: Right. Okay. Well, that's about all I
11 have.

12 MR. CURTIS: Hugh?

13 MR. H. QUIRK: No questions.

14 BY MR. CURTIS:

15 Q. Brian Curtis again. Jim, we'll finish up. There's
16 not many more here. Communicating with your -- with, say, the
17 Ethan Allen, do you have a VHF in the office or do you
18 communicate with a vessel or --

19 A. I have a number of handheld VHF's, yeah, and we also
20 communicate -- it seems like we've been doing dominantly cell
21 phone lately --

22 Q. Okay.

23 A. -- with the VHF being sort of a secondary.

24 Q. Now, is your policy for the smaller boats versus the
25 bigger boats, they have to have their radios on in the bigger

1 ones? I mean, is there anything, a communications policy that
2 you have with your vessels or is it cell phones?

3 A. It's really cell phones. We -- in fact, for the
4 bigger boats, we purchased two and put them on there and we
5 require those to be on. We find that those channels are --

6 Q. The VHF?

7 A. No, cell. The VHF, too, but we go to the cell, it
8 seems like, you know, it's a private station, a signal. You
9 don't have problems with it, as you do transmitting all over
10 the place in the VHF.

11 Q. Are there any regulations on the larger boats that
12 you have to carry VHF's, or it's a state regulation?

13 MR. GIONET: No, there's no state regulation on that.

14 MR. CURTIS: So there's no FCC license the vessels
15 are required to carry?

16 MR. GIONET: No, not that we know of.

17 BY MR. CURTIS:

18 Q. If they encountered -- say a squall was coming up, is
19 there anybody monitoring the weather, per se, say a line of --
20 a strong line of squalls is coming through and they're out
21 there and the vessel is away, is there anybody monitoring the
22 weather at all from the office?

23 A. Not from the office, but our captains are monitoring
24 that weather all the time on their systems, and some of them
25 even have their own personal weather receivers that pick up

1 the -- the Burlington weather station, the Coast Guard station
2 there that puts out the up-to-date weather. And they're quite
3 interesting, and not just that kind of reasons, but you know,
4 to find out where to go during that day, where, you know, maybe
5 they'll take it way up north if they're going to have rain or
6 something south, and how to make the trip the best.

7 Q. But that's not company-issued equipment, that the
8 would the captain's personal --

9 A. Yeah. And -- yes. The small boats are out -- I'll
10 add a little bit to that, if you don't mind.

11 Q. No, go ahead.

12 A. When the small boats are out and they see a squall
13 coming up, a lightening storm or a very violent storm, it's
14 fairly routine for them to duck into a cove, hang in the cove
15 for 10 or 15 minutes. When the major part's over, then they'll
16 come out.

17 Q. Okay. As far as logs kept on the Ethan Allen
18 particularly, are there any -- other than the checklists, are
19 any other logs kept on the vessel?

20 A. No.

21 Q. Okay. No navigational logs or --

22 A. No.

23 Q. What about drills in these -- drills conducted. I'm
24 not sure of the state requirements. Are there requirements for
25 periodic drills to be conducted on the vessel monthly or

1 anything?

2 MR. GIONET: The state does not require that.

3 BY MR. CURTIS:

4 Q. Okay. Do you conduct any fire drills or anything on
5 those smaller vessels?

6 A. Not on the smaller vessels, other than the captains
7 are aware of where the fire extinguishers are and we don't have
8 fire pumps or anything on there. And the big vessels, of
9 course, there's a drill on -- there's a -- the typical man over
10 board, in which we actually do a man over board drill. They'll
11 put a person in the water and rescue them and so forth. And
12 we'll also do a fire drill on the larger boats.

13 Q. And those are monthly, annually or --

14 A. We do it at the beginning of the season, and once we
15 have our staff in tact, because usually we add staff gradually
16 as we go through the month of May. By June we're pretty much,
17 mid-June, full staff. And at that point, we will -- or the
18 captains actually conduct that drill. They'll take and set a
19 time and require everybody in and go through those procedures.

20 Q. Okay.

21 A. And I think we've gone a step further this year,
22 right, Hugh, with the stations?

23 Q. You assign stations?

24 A. Yeah. And this is something from the Maritime
25 Academy.

1 Q. And that's Maritime. Throw that plug in there.
2 We're going -- I just wanted to diplomatically step this
3 portion, a little bit about the -- the other companies on the
4 lake. How many other vessels are there with this same trade,
5 tour vessels?

6 A. There aren't many, really. There's just the
7 Steamboat Company which is adjacent to us. They have three
8 ships. And then there's the Sagamore, which has it's the
9 Morgan. There's probably other smaller PB vessels, but these
10 are basically the only big ones on the lake, to my knowledge.

11 Q. The Steamboat Company, those are all big vessels, is
12 that right?

13 A. Yeah.

14 Q. And you have a total of five vessels?

15 A. Including the three tour boats, yes.

16 Q. Okay. We're not there. I was interested in the --
17 have any marine surveys been done on the Ethan Allen for, say,
18 insurance purposes? Is there any records like that, that we
19 might be able to obtain, you know, to base an assessment of the
20 vessel and the condition?

21 A. No. No.

22 Q. No? It wasn't required --

23 A. It wasn't required, you know.

24 Q. -- for insurance? Okay. Do you have any idea of the
25 dollar loss estimate for the Ethan Allen? Have you received

1 any insurance reports or anything yet on that?

2 A. No.

3 Q. Do you have any idea what the loss estimate may be?

4 A. Whatever it is, it's -- the hull is not insured. We
5 have just liability.

6 Q. Okay. Fueling, the frequency? Do you know when it
7 was last fueled, and just a little bit about the procedure for
8 fueling the vessel?

9 A. The last fuel. Today -- it might be a week ago
10 Thursday. We fuel on Thursdays. That's our routine. A
11 captain will be there along with, usually, one of our
12 maintenance guys, and then the fuel truck comes in, and he'll
13 fill all boats on a Thursday morning.

14 Q. So this boat's only fueled once a week. So I guess
15 you don't burn a lot of fuel, then?

16 A. Yeah. Like I say, those are extremely efficient. I
17 think we burn maybe a gallon an hour --

18 Q. Okay.

19 A. -- on them.

20 Q. So that truck's just brought in once a week and he'd
21 do all the boats?

22 A. He does all of them, yeah.

23 Q. And who's responsibility to fuel did you say it was?

24 A. The captain that's there 90 percent of the time.
25 Every once in a while there's a change off, but it's Dick Paris

1 that oversees the fueling.

2 Q. Do they usually top them up or do they usually just
3 keep a minimum amount of fuel in them?

4 A. No, we top them.

5 Q. Okay. A little bit about that tank replacement. Do
6 you know if the previous tank was a lot smaller or is it a
7 comparable size?

8 A. I believe almost exact. There isn't much space in
9 there to change any dimensions.

10 Q. Crew member training as -- I guess, if the additional
11 person goes on, the crew member, do they have any training in
12 evacuating -- just on how to handle -- are they trained in how
13 to handle the passengers on board the vessel, in case of a
14 problem?

15 A. No, not really. They're basically there to assist
16 the passengers, you know, if we have some on a wheelchair or
17 some if problem should arise like that. But other than that,
18 no.

19 Q. We took a ride yesterday and I know that Hugh told us
20 where the life jackets were. Is that something that the
21 captain would be expected to do, is, when the get on the
22 vessel, tell them where the life jackets are?

23 A. Yeah. Hugh would -- they have a PA system on board
24 and they would direct their attention to the -- you know, in
25 the back where that little cabinet is.

1 Q. Right.

2 A. And he'd tell them -- that basically that's where
3 they are. And then I think there's another five or ten on the
4 forward seat.

5 Q. And is there any requirements for children, or is
6 that at the captain's discretion if the children on board, as
7 far as if they have to or don't have to wear a PFD?

8 A. They don't have to wear a PFD, to my knowledge.

9 Q. Okay.

10 A. And they never put them on them.

11 Q. And I guess I asked you before, the number of
12 mechanics you have, the number of mechanics?

13 A. Well, I think I'm good for -- a good number there
14 would be two.

15 Q. Okay. So that'd be Tom --

16 A. Tom and Rick right now.

17 Q. Okay.

18 A. And the other fellow we're training -- Actually, we
19 have three, but we're just in the process of training.

20 MR. CURTIS: Okay. I don't have any more questions.
21 Jimmy?

22 MR. CASTILLO: Well, I have a couple of questions.

23 MR. CURTIS: That's Jimmy Castillo.

24 MR. CASTILLO: When you're talking about --
25 Jimmy Castillo with the Coast Guard. I'm sorry.

1 MR. J. QUIRK: Okay.

2 MR. CURTIS: That's okay.

3 BY MR. CASTILLO:

4 Q. You were telling us something about your, your layout
5 procedure and your reactivation procedure on the boats?

6 A. Yeah. I'll tell you, once upon a time, I used to do
7 it, but I haven't been doing that lately. Most of the time my
8 boys -- thank god for them -- have been doing that for me. But
9 you know, this time of the year, right about now, you can see
10 how we own that trailer there and that's a special trailer for
11 when we maneuver that kind of nicely around. And we drop -- we
12 just pull the boats out and drop them over -- set them down
13 behind the restaurant, you know, over in back where our -- the
14 backside of the restaurant there. And we put them side by
15 side. We go through them. They clean them inside and out.
16 And then they go through the engines, dewater them. I mean,
17 get (indiscernible) out of there. And then they go through a
18 process of putting a canvas top over them. But the big thing
19 is to -- for winterization, obviously, is get all your H₂O out
20 of there and -- so nothing freezes up and locks or breaks up
21 things.

22 Q. Okay.

23 A. That's really --

24 Q. When you reactivate them, do you just --

25 A. Oh, well, we reverse that. We would go through, at

1 that point -- we change our oils in the fall. And then, when
2 reactivate them, we leave those oils in. We run them a little
3 bit and then change it again.

4 Q. Okay.

5 A. We obviously have to, you know, check the anti-
6 freezes and you know, all of the oils. What else do we have to
7 do when we reactivate? We put our -- we put the batteries --
8 quite often we pull the batteries out and leave them on a
9 trickle charge all winter and put the batteries back in.

10 Q. Okay. What about your hull penetration, like your
11 stuffing boxes and stuff like that?

12 A. Yeah, we go through those. And when we put them back
13 in, we check them again to make sure the shaft's turning and we
14 try to observe if we have any leakage around those packings or
15 shaft. We've been trying to replace a lot of that with
16 those -- those new seals.

17 Q. (indiscernible) seals.

18 A. Yeah. And once you have one point rubbing against
19 the other -- and I'm not sure if we've got them all replaced
20 that way now or not, but that's what we've been trying to do.
21 I think we still have some with packing.

22 Q. Okay. How often does the state come around to -- or
23 do they have, like, a required dry-dock inspection on those
24 boats?

25 A. No required dry-dock inspection. What they do do is

1 they come around every spring --

2 Q. Are the boats still up on the blocks?

3 A. No, no. Usually, we have that already for them to
4 inspect in the water, you know, like it's ready to go. We try
5 to get that all prior to their coming. They usually send us
6 postcard and say we'll be there on such and such and day, and
7 we do, you know, what can do to get them up.

8 MR. CASTILLO: Okay. No questions.

9 MR. CURTIS: Peter?

10 BY MR. GIONET:

11 Q. Yeah, I just got one, really one question and it's
12 just, who established the route, and are there any places they
13 can and can't go?

14 A. The tour boats, there's not too many places they
15 cannot go.

16 Q. Okay.

17 A. They can go into fairly shallow water --

18 Q. Right.

19 A. -- and they go around the lake. We keep them off the
20 shore a good hundred, 200 feet at least.

21 Q. Okay.

22 A. That's probably some of its closest points of
23 contact. And a good hour cruise is going up to, like, along
24 the west shore --

25 Q. Um-hum.

1 A. -- in through Green Harbor, cut across to Diamond
2 Island --

3 Q. Um-hum.

4 A. -- behind Diamond Island and back along the east
5 shore --

6 Q. Um-hum.

7 A. -- in which the people get a pretty good view of the
8 lake. So --

9 Q. Um-hum.

10 A. -- that route was established mainly to give the
11 tourists a nice view of the lake.

12 Q. And that's pretty much what you've been doing ever
13 since you started up here?

14 A. Pretty much. We have gone -- the fact is, I used to
15 take them out myself and go on the reverse. You know, instead
16 of going up the west, I'll go up the east.

17 Q. Okay.

18 A. Do a reverse a route.

19 Q. Sure. But have they ever been on anything other than
20 that Lake George classroom program that you have?

21 A. Yeah.

22 Q. Other than that, have they ever gone beyond a one-
23 hour limit? Say, have you ever done a two or a three-hour
24 cruise with these boats?

25 A. Yes.

1 Q. You have, okay.

2 A. Not too often. They have no restrooms in them.

3 Q. Okay.

4 A. Two of them don't have restrooms. The Adirondac --
5 the Algonquin has a restroom.

6 Q. Okay.

7 A. And that one usually goes on the longer charters,
8 like a two or three-hour charter.

9 MR. GIONET: Okay. Okay. No other questions.

10 BY MR. CURTIS:

11 Q. Just two quick ones, Jim, and I promise that'll be
12 the end. Your season, give us a specific start and stop date,
13 or is it weather-dependent?

14 A. Well, weather-dependent, starting right around May
15 1st somewhere and ending right around Halloween.

16 Q. Okay. And one other thing. Back to the other
17 companies. Do you have any type of passing agreement, how
18 close your vessels will come between you and the Steamboat or
19 the other companies, just so you don't -- you're not -- the
20 boats aren't in too close a proximity?

21 A. Not an agreement as such, but pretty much an
22 understanding. The smaller tour boats give way, whether they
23 have right-of-way or not.

24 Q. Okay.

25 A. They just simply give way to larger boats.

1 Q. Okay.

2 A. And they stay away from the larger boats, especially
3 those with a wake.

4 Q. Ever any previous -- any problems in the past with
5 the other vessels too close in proximity, and the captains, any
6 problems with each other?

7 A. Not really, not really. Not to my knowledge, anyway.

8 MR. CURTIS: Okay. No further questions. I guess --
9 I do certainly appreciate all your cooperation, assistance and
10 patience, Jim. And it's 10:15 and this concludes the
11 interview. Thank you very much.

12 (Whereupon, at 10:15 a.m., the interview in the
13 above-entitled matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Jim Quirk

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 7, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

David Martini
Transcriber